IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 340 OF 2007
IN
CRIMINAL APPEAL NO. 847 OF 2006

Riyazahmed Shaikh @ Anil ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr.S.V. Pitre, Advocate for the applicant.
Mrs. M.M.Deshmukh, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 28TH MARCH, 2007.

P.C.

. The applicant, who is original accused No.2 was convicted for the offence punishable under Section 120B, 307 and 395 r/w section 397 I.P.C. and was sentenced to undergo R.I. for seven years and to pay fine of Rs.1000/- on each count. The substantive sentence of imprisonment was to run concurrently. Some other accused were also convicted and similarly sentenced. The applicant has preferred appeal challenging the conviction and sentence. The appeal is admitted. By this application, he seeks to be released on bail pending the appeal. Record reveals that the offence was committed on 16/5/2001 by five persons. Accused no. 2

was arrested on 18/9/2005 and in the T.I. parade dated 23/9/2002, he was identified as one of the culprits. However, there was no recovery from him. Simultaneously he was arrested in another crime also. After the trial in that case, he was acquitted. He was also granted bail in the present case in March, 2005. Thus he was in custody for about two and half years, as under trial and after conviction he was in custody since 28/2/2006. Thus, he has been in custody for total period of three and half years or more. Record reveals that no recovery was made from him. Similarly situated two other accused being accused Nos. 3 and 6 were granted bail by this Court by order dated 12th December, 2006 in Criminal Application No.992/2006. In fact, there was some recovery of the stolen property from those two accused. The learned Counsel for the applicant Mr. Pitre, contends that on the principle of parity the applicant is also entitled to be released on bail. Mrs. Deshmukh, learned A.P.P.could not point out any difference in the case against between the present applicant and other two accused, who are granted bail.

2. Therefore, pending the appeal the applicant/accused No.2 Riyazahmed Shaikh @ Anil be

released on P.R. in sum of Rs. 15,000/- with one local surety in like amount with the conditions that he shall not misuse the bail and shall also deposit the fine amount. He shall also report at MIDC Police Station, Andheri, Mumbai on 1st and 3rd Saturday of every calendar month till disposal of the appeal.

(J.H. BHATIA, J.)